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PTO/SB/30 (08-00)

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant
application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|-------------------------|
| Application Number | 10/066,040 |
| Filing Date | February 1, 2002 |
| Examiner Name | Stockton, L. |
| First Named Inventor | Goldstein, David et al. |
| Group Art Unit | 1626 |
| Attorney Docket Number | R0038H-CONT |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on January 27, 2003
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other : Petition for Extension of Time under 37 CFR 1.136(a)

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

3. Fees

 The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to
Deposit Account No. 18-1700
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17), 1 month
- iii. ☐ Other
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)



24372

PATENT TRADEMARK OFFICE

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|--------------------|-------------------|-----------------------------------|-------------------|
| Name (Print /Type) | Anastasia Winslow | Registration No. (Attorney/Agent) | 40,875 |
| Signature | | Date | February 25, 2003 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: 2/25/03

| | | | |
|--------------------|-------------------|------|---------------|
| Name (Print /Type) | Anastasia Winslow | Date | Feb. 25, 2003 |
| Signature | | Date | Feb. 25, 2003 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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PTO/SB/17 (10-01)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL
for FY 2003

Patent fees are subject to annual revision.

Complete if Known

Application Number10/066,040

Filing DateFebruary 1, 2002

First Named InventorGoldst in, David et al

Examiner NameStockton, L.

Group / Art Unit1626

Attorney Docket No.R0038H-CONT

TOTAL AMOUNT OF PAYMENT(\$)

860.00

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees, to charge any additional fees that may be required, or to credit any overpayments to:

Deposit Account Number18-1700

Deposit Account NameRoche Palo Alto LLC
3401 Hillview Avenue
Palo Alto, CA 94304

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check

☐ Credit card

☐ Money Order

☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 750 | | | Utility filing fee | |
| 106 | 330 | | | Design filing fee | |
| 107 | 510 | | | Plant filing fee | |
| 108 | 750 | | | Reissue filing fee | |
| 114 | 160 | | | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$) |

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 20 ** | | 18 | |
| Independent Claims | 3 ** | 84 | 0 |
| Multiple Dependent | | | 0 |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|-------------------|-----------------|----------------|-----------------|--|
| 103 | 18 | | | Claims in excess of 20 |
| 102 | 84 | | | Independent claims in excess of 3 |
| 104 | 280 | | | Multiple dependent claim, if not paid |
| 109 | 84 | | | ** Reissue independent claims over original patent |
| 110 | 18 | | | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) | | | | |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

| Fee Code | Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------------------|-----------------------|-----------------------|--|----------|
| 105 | 130 | | Surcharge - late filing fee or oath | |
| 127 | 50 | | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | | Non-English specification | |
| 147 | 2,520 | | For filing a request for reexamination | |
| 112 | 920* | | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | | Requesting publication of SIR after Examiner action | |
| 115 | 110 | | Extension for reply within first month | 110.00 |
| 116 | 400 | | Extension for reply within second month | |
| 117 | 920 | | Extension for reply within third month | |
| 118 | 1,440 | | Extension for reply within fourth month | |
| 128 | 1,960 | | Extension for reply within fifth month | |
| 119 | 320 | | Notice of Appeal | |
| 120 | 320 | | Filing a brief in support of an appeal | |
| 121 | 280 | | Request for oral hearing | |
| 138 | 1,510 | | Petition to institute a public use proceeding | |
| 140 | 110 | | Petition to revive - unavoidable | |
| 141 | 1,280 | | Petition to revive - unintentional | |
| 142 | 1,280 | | Utility issue fee (or reissue) | |
| 143 | 460 | | Design issue fee | |
| 144 | 620 | | Plant issue fee | |
| 122 | 130 | | Petitions to the Commissioner | |
| 123 | 50 | | Processing fee under 37 CFR 1.17 (q) | |
| 126 | 180 | | Submission of Information Disclosure Stmt | |
| 581 | 40 | | Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | | Request for Continued Examination (RCE) | 750.00 |
| 169 | 900 | | Request for expedited examination of a design application | |
| Other fee (specify) | | | | |
| *Reduced by Basic Filing Fee Paid | | | | |
| SUBTOTAL (3) (\$) | | | | 860.00 |

SUBMITTED BY

Name (Print/Type)Anastasia Winslow

Registration No. Attorney/Agent40,875

Telephone650/ 852-1141

Signature

Date2/25/03

SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Doc.# 120279